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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,582	08/14/2000	Bob M. Ayers	07844-367001	1726

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,582

Applicant(s)

AYERS, BOB M.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37.CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 15-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 4/11/05 to the application filed on 8/14/00.
2. Claims 15-32 are pending in the case. Claims 15 and 24 are independent claims.
3. The double patenting rejection on claims 24-32 has been withdrawn in view of the amendment.
4. The rejections of claims 15-32 under 35 U.S.C. 112, first paragraph have been withdrawn in view of Applicants' arguments.
5. The rejection of figure 2 remains since figure 2 is pending in the case. It is correct that drawing amendment on figure 2 was not entered as indicated in the advisory action on 8/11/04. However, the amended drawing was automatically entered when the RCE of the case was filed on 10/4/04.

Drawings

6. The replacement of figure 2 filed 6/11/04 is acknowledged. It appears that the replacement of figure 2 is not proper since figure 2 is prior art, not the present invention whereas the purpose of the replacement is to clarify the features of the claimed invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft PowerPoint 2000, Copyright 1987-1999 Microsoft Corporation, referred as PowerPoint, screenshots, pages 1-15 in view of Wu et al. (US Pat No. 6,542,629 B1, 4/1/03, filed 7/22/99).

Regarding independent claim 15, PowerPoint discloses:

- receiving a page layout template, the template including a hierarchy of boxes, the hierarchy including an exterior bounding box for the template and one or more interior boxes contained within the exterior bounding box, the exterior bounding box forming the topmost level of the hierarchy, the one or more interior boxes form one or more lower levels of the hierarchy, each lower level including one or more interior boxes, the exterior bounding box having one or more dimensions that are variable, at least one of the interior boxes having one or more metrics that are variable in the same dimensions as the exterior bounding box, each metric specifying a size for the interior box, a distance between the interior box and another box, or both, the size or distance defined as a range of permissible values around a nominal value, the another box being another box on the same level or on a different level of the hierarchy (**pages 2-3, 8-9**: the page layout template has a hierarchy of boxes including an exterior bounding box for the template and one or more interior boxes "Click to add title", "Double click to add

org chart” where the exterior bounding box forming the topmost level of hierarchy, the one or more interior boxes form lower levels of the hierarchy where each line of data within the lower box is considered one or more interior boxes within an interior box; **pages 5-7**: the template has at least one box “Click to add title” having adjustable metrics in the variable dimension specifying at least one of the size of the box and the distance from this box to another box “Double click to add org chart”, where the size or distance defined as a range of permissible value around the size of the external box where the another box being another box on the same level of the hierarchy)

- converting the one or more variable dimensions of the exterior bounding box into one or more fixed dimensions (**page 4**: user can convert a size for each variable dimension to a fixed size by entering a desired number in the height box or the width box)
- adjusting the metrics of the interior boxes based on the fixed dimensions (**page 5**: user can click on the corners or the middle points of each size of the box to adjust the metrics of the box)

PowerPoint does not disclose a size or distance value that is defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values around a nominal value, and a second value specifying a range of permissible values around the nominal value.

Wu discloses a size or distance value that is defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values

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around a nominal value, and a second value specifying a range of permissible values around the nominal value (**col 10, lines 20-32**: “the distances between potential mark constituents PMC in a neighborhood must equal or be a superset of the *distances D1, D2, D3 plus or minus a margin of error to account for printing, scanning, or other variations*”).

It would have been obvious to an ordinary skill in the art at the time of the invention was made to have combined Wu into PowerPoint since Wu teaches defining a distance with two values, the first is a margin and the second is a permissible range around the nominal value indicated by “plus or minus a margin of error...” providing the advantage to incorporate into PowerPoint for flexibly defining a value for a distance or a size using a value and a permissible range around said value beside said integer value or decimal value by convention.

Regarding claim 16, which is dependent on claim 7, PowerPoint adjusting the metrics of the boxes in hierarchical order (**page 2**: the page layout template includes two sibling boxes having hierarchical relationship; **page 5**: adjusting the metrics of the upper and lower boxes).

Regarding claim 17, which is dependent on claim 8, PowerPoint discloses adjusting the metrics of the boxes independently in each dimension (pages 5-6).

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Regarding claim 18, which is dependent on claim 8, PowerPoint discloses adjusting the metrics of the boxes, first in the one dimension, and then in another dimension (**pages 2 and 5**: the metrics of the boxes are adjusted in one dimension, and then in another dimension in page 5 compared with page 2).

Regarding claim 19, which is dependent on claim 10, PowerPoint discloses terminating adjusting of a particular box and its child boxes in a given dimension at a hierarchical layer when the particular box has a synthesized size in the given dimension (**pages 5-6**: the adjustment of the upper box and the lower box is considered terminated when reached to a desired size).

Regarding claim 20, which is dependent on claim 15, PowerPoint discloses adjusting the metrics of the interior boxes includes for each variable dimension, for each level of the hierarchy, for each interior box in the level, adjusting the metric in the variable dimension to a value within the range of permissible values (**pages 5-6**: adjusting the metrics of the interior boxes "Click to add title" and "Double click to add org chart" in a level of the hierarchy in the variable dimension to a value within the size of the template, which includes the range of permissible values).

Regarding claim 21, which is dependent on claim 20, PowerPoint discloses that if the metric is a synthesized metric, terminating adjustment of the interior box and any child boxes contained within the interior box, the synthesized metric being a metric that is adjusted after content has been flowed into the interior box (**pages 10-14**: when data is

flowed into the upper box as in pages 12-14, adjusting the metrics of upper box is terminated).

Regarding claim 22, which is dependent on claim 15, PowerPoint discloses:

- the metrics include a synthesized metric, the synthesized metric being a metric that is adjusted after content has been flowed into the interior box (**pages 10-14**: since the height of the box, which is the metric of the box "Click to add title" is adjusted when data is flowed into the upper box as in pages 12-14, the metrics of said box include a synthesized metric)
- adjusting the metrics of the interior boxes includes adjusting the metrics of the interior boxes without adjusting the synthesized metric (**page 15**: adjusting the metric of upper box "Click to add title" including adjusting the length of the box "Click to add title" which is the metrics of the interior box without adjusting the height of the box, which is a synthesized metric).

Regarding claim 23, which is dependent on claim 22, PowerPoint discloses:

- flowing content into the boxes (pages 10-14: entering data in the upper box)
- adjusting the synthesized metric based on the flowed content (pages 10-14)

Claims 24-32 include the same limitations of claims 14-23, and are rejected under the same rationale.

Response to Arguments

9. Applicant's arguments filed 4/11/05 have been fully considered but they are not moot under new ground of rejections.

Applicants argue that PowerPoint does not disclose a size or distance value that is defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values around a nominal value, and a second value specifying a range of permissible values around the nominal value (Remarks, page 8). Examiner respectfully disagrees.

Wu discloses a size or distance value that is defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values around a nominal value, and a second value specifying a range of permissible values around the nominal value (col 10, lines 20-32: "the distances between potential mark constituents PMC in a neighborhood must equal or be a superset of the *distances D1, D2, D3 plus or minus a margin of error to account for printing, scanning, or other variations*").

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sobotka et al. (US Pat No. 5,164,899, 11/17/92).

Kamiwada et al. (US Pat No. 6,877,135 B1, 4/5/05, filed 12/28/99).

Hurst et al., Layout and Language: Integrating Spatial and Linguistic Knowledge for Layout Understanding Tasks, ACM July 2000, pages 334-340.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Examiner
Art Unit 2178
06/10/05